

REMARKS

Claims 8-22 are now pending in the present application. Claims 21 and 22 have been added herewith. Consideration/reconsideration of the pending claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 8-20 under 35 U.S.C. § 102 as being anticipated by Young et al. (U.S. Patent No. 5,532,754). This rejection is respectfully traversed.

The present claimed invention is directed to the automatic reservation (scheduling) of a recorder for the recording of repetitively transmitted programs, in which the programs can conflict in the times of transmission. The claims expressly recite a means or a step of grouping programs that interfere (conflict) with each other in time, and a means or step for assigning a *recording priority* to each program such that all of the programs are efficiently recorded in sequence by the recorder. In contrast, the cited reference teaches a user-specified grouping of a program listing guide. The grouping as described therein has nothing to do with recording or reserving programs, but rather to a user display/listing of channel preferences.

Specifically with respect to Claim 8, Applicants show that the cited reference does not teach or suggest the claimed features of (1) data broadcast programs that are repetitively transmitted, (2) "grouping means for grouping the *reserved data broadcast programs* into one or more groups in which each group contains programs that interfere with each other with respect to recording by the reception and recording means" (emphasis added) or (3) "priority assigning means for assigning a unique *recording priority* to each group and to each program within a group such that all of the reserved repeating programs can be recorded in sequence according to the assigned priorities" (emphasis added). These claimed features advantageously provide the ability to record the reserved programs in sequence according to the assigned priority, notwithstanding the fact that the programs can overlap in time. In rejecting Claim 8, the Examiner cites Young Col. 16/lines 39-58 and Col. 26/lines 15-49 as reading on the claimed grouping means, and cites Young Col. 8/lines 9-34 and Col. 16/lines 39-58 as reading on the claimed priority assigning means. The Examiner makes no assertion as to any teaching

in Young that pertains to the claimed repetitive transmitting of data broadcast programs. Applicants show error in the Examiner's rejection, as follows.

Applicants initially show that the cited reference does not teach, nor has the Examiner alleged any teaching of, the claimed feature of data broadcast programs that are sequentially and repetitively transmitted in groups. This claimed feature is shown in the preferred embodiment in Applicants' FIG. 1. As can be seen, program a is sequentially and repetitively (four times) transmitting in group a, and program b is sequentially and repetitively (three times) transmitting in group b. Because of this repetitive transmission, programs which temporally overlap in time can still be recorded notwithstanding such overlap or programming conflict. The cited reference does not teach this claimed feature or its resulting advantage.

With respect to the claimed grouping means (missing claimed feature #2), the Young passage cited at Col. 16/lines 39-58 is directed to grouping of a program listing guide that is displayed to a user. As stated by Young at the passage cited by the Examiner at Col 16:

"Another embodiment employs channel customization prompt menus to re-arrange channels. In this approach, each channel label is sequentially displayed over time in a default sequence (such as numeric/alphabetic sequence, or according to the previously selected user-sequence). The channels are preferably displayed one at a time. The viewer can select a priority for each channel as it is displayed or can skip to the next channel label. If a priority is given, the channel will be moved into the channel slot corresponding to the entered priority, as if it were selected and moved into that slot as discussed above. The priorities that may be assigned range from 1 to 9, the highest number on the numeric keypad (in some embodiments 0 is used to represent 10). Note that the total number of channels that can be re-arranged is not limited to the number of priorities (9). For example, the user could assign the same priority (such as number 1) to as many channel labels as desired. The last selected channel label

would then appear in the number 1 slot, with the remainder immediately following below, according to the order in which they were selected."

As stated by Young at the passage cited by the Examiner at Col 26:

"It is desirable to list programs in the order of most favorite channels instead of sequentially by channel number or alphabetically as in a printed television guide. A channel menu is provided to allow the viewer to arrange channel listings in the preferred order. In this way, the most favorite channels will be grouped together, on one or two pages, greatly reducing the need to perform channel paging. This is usually a one-time installation menu that allows the user to define channels that are favorites, and to be listed in the grid guide in a preferred order.

The channel select menu provides a list of all channels that can be received by a viewer. From this list, channels can be designated as favorites. Favorite channels are automatically given certain priorities. For example, in the event that the schedule memory is insufficient to store all the listing information downloaded from broadcast, program notes and other descriptive information for non-favorite channels will be discarded before discarding such information for favorite channels. In case of severe shortage of memory space, listings for non-favorite channels will be discarded first.

The channel select menu also allows the viewer to decide on the listing priority of favorite channels on the grid guide. In one implementation, the channel select menu is a list of all channels, arranged in columns. The first column on the left, from top to bottom, will be the order in which channel listings will appear in the grid guide. Once favorite channels are designated, they will automatically be grouped together in the left-most columns. For example, if there are four favorite channels, such as CNN, DISN, HBO and SHO, it is possible to position SHO as the first channel in the grid guide. To do this, highlight the location where the new

channel is to be moved. In this case, CNN is first highlighted. Next select the preferred channel, SHO. When this is done, CNN, DISN, and HBO will shift down one slot, and SHO will be entered into the first slot."

As can be seen, these cited passages are directed to a technique for customization of a listing of channels (e.g. grid guide) on a display. This customization of the grid guide listing is also shown by Young's FIG. 20. The groups as described by Young are a favorite channel group which is displayed in a particular area on the screen for access by a user. In contrast, Claim 8 recites a grouping means for grouping "the reserved data broadcast programs", which are defined in Claim 8 to be data broadcast programs for which *reservation requests* have been accepted. Young's customized grid guide cannot reasonably be construed as a teaching of grouping reserved data broadcast programs, as claimed.

As a further distinguishing feature, the groups as described by the cited Young passage are with respect to *channels*, whereas the groups of Claim 8 are with respect to *programs*. For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Channels (as described by Young) are very different from programs (as recited in Claim 8), and thus Claim 8 is further shown to not be anticipated by the cited reference.

It is further shown that Young's FIG 4, which shows reserved programs, does not read on the claimed grouping means as these programs do not interfere with each other with respect to recording. As can be seen, each listed program has a non-overlapping programming date/time. Claim 8 explicitly recites that each group contains programs that interfere with each other with respect to recording. Thus, Claim 8 is further shown to not be anticipated by the cited reference.

As to the claimed priority assignment means (missing feature #3), Applicants show that the passage cited by the Examiner at Young Col. 8/lines 9-34 and Col. 16/lines 39-58 pertains to a link list (Col. 8) and channel priority (Col. 16). Applicants urge that a user specifying what order to list channels in a channel grid display has nothing to do with the claimed recording priority. Young's channel grid priority merely prioritizes the

order that the channels are displayed to a user, and has nothing to do with recording. Hence, such channel display priority as taught by Young does not teach the claimed recording priority which, per the plain meaning of the term, is a priority with respect to recording.

It is further shown that missing claimed feature #3 recites two types of recording priority assignment – a recording priority for each group (the group containing programs that interfere with each other with respect to recording) and a recording priority to each program within a group. The Young reference does not teach or otherwise suggest such hierarchical recording priority, and thus Claim 8 is still further shown to not be anticipated by the cited reference.

In summary with respect to Claim 8 (and dependent Claims 9-11), Young does not teach any ability to record programs that interfere with each other (with respect to programming), and thus does not anticipate Claim 8 (and dependent Claims 9-11).

Further with respect to Claim 9, Applicants show that the cited reference does not teach “re-prioritizing all remaining reservation requests”. In rejecting Claim 9, the Examiner states “the canceling request causes re-prioritizing all (pending) reservation requests, col. 16/line 59-col. 17/line 7”. Applicants show that there, Young states:

“FIG. 21 shows a front panel 130 for a remote controller of the schedule system. The top half of the front panel 130 corresponds to a conventional remote controller for a television set and a VCR. Included are a dual function ten key keypad 132, with the alternate functions of each key and its digit shown, a TV/VCR toggle key 134, volume and channel up/down keys 136, and VCR control keys 138. The lower half of the front panel 130 contains control keys that are specific to the schedule system. Included are a What's On Tape key 140, a What's On TV key 142, a Theme key 144, a Record Memo key 146, a Record It key 148, a Link It key 150, a Help/Menu key 152, a Select/Goto key 154, Left, Right, Up, Down and Page Cursor keys 156, a Return TV/VCR key 158 and a Cancel/Undo key 160. The use of these keys has either been explained above or is apparent from their labels.”

While this passage does make mention of a Cancel/Undo key 160, there is no mention or teaching of any re-prioritization of remaining reservation requests in response to user selection of such a key. Because Young does not provide any ability to record programs that conflict or overlap with one another (with respect to recording), there would be no reason to re-prioritize recordings as Young's programs are merely recorded during their pre-determined date/time broadcast as shown in Young FIG. 4. Canceling of one of these recording reservations does not impact the time at which the others will be recorded. Therefore, Claim 9 is further shown to not be anticipated by the cited reference.

Further with respect to Claim 11, Applicants show that the cited reference does not teach the claimed features of "means for identifying reserved programs that overlap directly with each other or that indirectly overlap via another reserved program and means for placing all such directly or indirectly overlapping programs in the same group". In rejecting Claim 11, the Examiner states that Young teaches that channels can be grouped together based upon their assigned priority from the user and even to different programs on different channels, with overlap times either directly or indirectly, and to different programs on the same channel, citing col. 16/lines 39-58 for such priority assignment. Applicants show that, and as previously described, the Young passage at col. 16 is merely with respect to the assigning the order of channels listed on a display as part of the channel display. Representative lines 39-46 of this col. 16 cited passage clearly show this. There, Young states:

"Another embodiment employs channel customization prompt menus to re-arrange channels. In this approach, each channel label is sequentially displayed over time in a default sequence (such as numeric/alphabetic sequence, or according to the previously selected user-sequence). The channels are preferably displayed one at a time. The viewer can select a priority for each channel as it is displayed or can skip to the next channel label. If a priority is given, the channel will be moved into the channel slot corresponding to the entered priority, as if it were selected and moved into that slot as discussed above."

This passage has nothing to do with grouping of programs, but rather grouping of channels without regard to programs on such channels.

Applicants further show that Claim 11 expressly recites identifying reserved programs that overlap directly with each other or that indirectly overlap via another reserved program. The cited reference does not teach such reserved program identification. There would be no reason for Young to identify reserved programs that directly overlap because Young does not provide any mechanism for recording programs that directly overlap. Rather, Young requires that the programs to be recorded occur at non-overlapped date/times. This can be seen by Young at Col. 4, lines 5-7 where it states:

“A video recording system to allow automatic, unattended recording of at least two cable television programs supplied sequentially **at different times** on different channels of a cable system”.

Thus, the teachings of Young do not contemplate recording of programs that overlap in time. Claim 8 (of which Claim 11 depends upon), expressly recites accepting reservation requests of data broadcast programs, where such programs in different channels can overlap each other in time.

With respect to Claim 12, such claim recites structure for grouping reserved data broadcast programs into one or more groups in which each group contains programs that interfere with each other with respect to receiving in sequence. The Examiner relies on Young's channel grouping discussion with respect to Claim 8 in rejecting this Claim 12. As previously shown, channel grouping and the claimed grouping of reserved data broadcast programs are totally different. Therefore, Claim 12 is shown to not be anticipated by the cited reference.

Further with respect to Claim 12, Applicants show that the cited reference does not teach structure for *assigning a unique receiving priority to each group* (the group containing programs that interfere with each other) *and to each program within a group* such that all of the reserved repeating programs can be received in sequence according to the assigned priorities. As previously described with respect to Claim 8, the only priority

taught by Young is in what order the channels are presented to a user on a display. Re-ordering of a channel listing (as taught by Young) does not teach any type of reserved data broadcast program prioritization, as claimed. In addition, and similar to reasons given above with respect to Claim 8, Young does not teach broadcast data programs that are repetitively transmitted in groups, or any ability to record broadcast data programs that can overlap each other in time. Thus, Claim 12 is further shown to not be anticipated by the cited reference.

Applicants traverse the rejection of Claim 13 (and dependent Claims 14-16) for similar reasons to those given above regarding Claim 12.

Further with respect to Claim 14, Applicants traverse for similar reasons to those given above regarding the further traversal of Claim 9.

Further with respect to Claim 16, Applicants traverse for similar reasons to those given above regarding the further traversal of Claim 11.

Applicants traverse the rejection of Claim 17 (and dependent Claims 18-20) for similar reasons to those given above regarding Claim 12.

Further with respect to Claim 18, Applicants traverse for similar reasons to those given above regarding the further traversal of Claim 9.

Further with respect to Claim 20, Applicants traverse for similar reasons to those given above regarding the further traversal of Claim 11.

Therefore, the rejection of Claims 8-20 under 35 U.S.C. § 102 is shown to be in error, as every element of the claimed invention is not identically shown in a single reference¹. Applicants thus request that the Examiner withdraw such rejection, and allow all pending claims.

¹ For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

II. Newly Added Claims 21 and 22

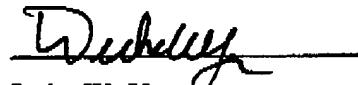
Claims 21 and 22 have been added herewith. Examination of such claims is respectfully requested.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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